## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

DAVID LEMASTER,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	CIVIL ACTION NO. 04-0520-P-D
	)	
JO ANNE B. BARNHART, Commissioner	)	
of Social Security,	)	
	)	
Defendant.	)	

## ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections raised, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated August 4, 2005 (doc.17), is hereby ADOPTED as the opinion of this court.

Accordingly, it is ORDERED that plaintiff's Motion For Award of Attorney Fees and Expenses Under the Equal Access to Justice Act, 28 U.S.C. § 2412 (docs.14-15), be and is hereby GRANTED, and that plaintiff's counsel, Colin E. Kimmerly, be awarded an attorney's fee and expenses, in the amount of \$625.00 (5 hours x \$125.00 per hour = \$625.00).

DONE the 19th day of September, 2005.

S/Virgil Pittman	
SENIOR LINITED STATES DISTRICT HIDG	F